

THURSDAY, FEBRUARY 29, 1996

SIXTY-EIGHTH LEGISLATIVE DAY

The House met at 8:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Walley.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cross; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 452:** Rep(s). West and Garrett as prime sponsor(s).

**House Bill No. 2568:** Rep(s). Lewis as prime sponsor(s).

**House Bill No. 2761:** Rep(s). Kisber, Bragg, and Brooks as prime sponsor(s).

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**House Bill No. 2767:** Rep(s). Bragg, Brooks, Curtiss and Windle as prime sponsor(s).

**House Bill No. 2916:** Rep(s). Bragg, Windle, Brooks, Cantrell, Curtiss, McDaniel, Wood, Walley, Kisber and Venable as prime sponsor(s).

**House Bill No. 2917:** Rep(s). Bragg, Kisber, Venable, Walley, McDaniel, Brooks, Curtiss and Wood as prime sponsor(s).

**MESSAGE FROM THE SENATE  
February 29, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 323, 341, 342, 343, 344 and 345; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 323 --** Memorials, Congress - Urges president, congress and department of justice to secure adequate federal funding for implementing next phase of CASTLE program and maintaining program at present level. by \*McNally, \*O'Brien.

**Senate Joint Resolution No. 341 --** Memorials, Heroism - The late Chiune Sugihara. by \*Henry, \*Cohen.

**Senate Joint Resolution No. 342 --** Memorials, Professional Achievement - Kay Martin, Athena recipient. by \*Rice.

**Senate Joint Resolution No. 343 --** Memorials, Professional Achievement - Chattanooga Music Club. by \*Fowler.

**Senate Joint Resolution No. 344 --** Memorials, Public Service - Jenny Reed, Prudential Spirit of Community Award honoree. by \*Crutchfield.

**Senate Joint Resolution No. 345 --** Naming and Designating - "Legislative Cancer Awareness Day," March 26, 1996. by \*O'Brien, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Eisea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**House Joint Resolution No. 449 --** Highway Signs - "Brigadier General Austin C. Shofner Highway," segment of U.S. 41-A, Bedford County. by \*Phillips.

Transportation Committee

**House Joint Resolution No. 451** -- General Assembly, Confirmation of Appointment - Sara Kyle, Tennessee regulatory authority. by \*Naifeh, \*Purcell, \*DeBerry L, \*Ridgeway, \*Rinks, \*Jones, S., \*Hargrove, \*Chumney, \*Turner (Hamilton), \*Pruitt, \*Brooks, \*Langster, \*Odom, \*Garrett, \*Windle, \*Bowers, \*Jackson, \*Brown, \*Eckles, \*McMillan, \*Curtiss, \*Jones U (Shelby), \*Joyce, \*Kernell, \*Towns, \*Turner (Shelby), \*Byrd, \*DeBerry J, \*Jones R (Shelby), \*Miller L, \*Napier, \*Bragg, \*Fowlkes, \*Cole (Dyer), \*Westmoreland, \*Phelan, \*Pinion, \*Givens, \*Rigsby, \*Buck, \*White, \*Fitzhugh, \*Herron, \*Williams (Williamson).

Commerce Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 4, 1996:

**House Joint Resolution No. 454** -- Memorials, Public Service - Dr.Dhyana Ziegler. by \*Armstrong, \*Turner (Shelby), \*Brooks, \*Brown, \*DeBerry J.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 4, 1996:

**Senate Joint Resolution No. 341** -- Memorials, Heroism - The late Chiune Sugihara. by \*Henry, \*Cohen.

**Senate Joint Resolution No. 342** -- Memorials, Professional Achievement - Kay Martin, Athena recipient. by \*Rice.

**Senate Joint Resolution No. 343** -- Memorials, Professional Achievement - Chattanooga Music Club. by \*Fowler.

**Senate Joint Resolution No. 344** -- Memorials, Public Service - Jenny Reed, Prudential Spirit of Community Award honoree. by \*Crutchfield.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 2060** -- Bond Issues - Authorizes issuance and sale of general obligation bonds not to exceed \$55 million for Nashville Davidson County construction of sports stadium. by \*Rochelle, \*Crowe, \*McNally, \*Hamilton, \*Carter, \*Person.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 29, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 6, 1996**: House Bill(s) No(s). 2233, 2562, 2715, 3012, 2304, 2825, 2829, 2019, 906, 2063 and 2184.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 4, 1996**: House Bill(s) No(s). 2333, 2231, 2007, 2897, 2107, 2211, 2856, 2237, 2469, 2132, 2158, 2459, 2594, 1970, 2693 and 2029.

CONSENT CALENDAR

**House Resolution No. 181** -- Memorials, Retirement - Dr. Gus Middleton, Director, Jackson-Madison County Hospital pathology lab. by \*Kisber.

**House Resolution No. 182** -- Memorials, Professional Achievement - Suzanne J. Shinn, 1997 Teacher of the Year. by \*Dunn.

**House Resolution No. 183** -- Memorials, Death - Mrs. Jewell L. "Judy" Peel. by \*Cole (Dyer).

**House Joint Resolution No. 450** -- Memorials, Personal Occasion - Christine and Joseph Wilce, 50th wedding anniversary. by \*Rigsby.

**House Joint Resolution No. 452** -- Memorials, Professional Achievement - Dr. Jerry Sutton. by \*Purcell, \*West, \*Garrett.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

**House Resolution No. 182**; by Rep. Dunn.

Under the rules, House Resolution No: 182 was/were placed at the foot of the calendar for March 4, 1996.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**House Bill No. 2761** -- State Employees - Conforms state employee paternity leave provisions, relative to birth children, to paternity leave provisions applied in cases of adoption; if both parents are state employees, aggregate of sick leave for maternity and paternity is limited to 30 days. Amends TCA Title 8, Chapter 50, Part 8, by \*Purcell, \*DeBerry L, \*Ridgeway, \*Rinks, \*Hargrove, \*Chumney, \*Bowers, \*DeBerry J, \*Fitzhugh, \*Langster, \*McMillan, \*White, \*West, \*Pruitt, \*Bell, \*Kisber, \*Bragg, \*Brooks. (\*SB2705 by \*Womack)

On motion, House Bill No. 2761 was made to conform with **Senate Bill No. 2705**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 2705** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2917** -- Civil Service - Requires departments of personnel and finance and administration to make reports to general assembly of certain job position changes. Amends TCA Section 8-30-211. by \*Purcell, \*Givens, \*Armstrong, \*Turner (Hamilton), \*Stulce, \*Rhinehart, \*Winningham, \*Hargrove, \*Bell, \*Langster, \*Pruitt, \*West, \*Fowlkes, \*McMillan, \*White, \*Rinks, \*Ridgeway, \*Fitzhugh, \*Jones R (Shelby), \*Bowers, \*Miller L, \*Chumney, \*DeBerry J, \*DeBerry L, \*Kernell. (\*SB2276 by \*Crutchfield, \*Holcomb)

On motion, House Bill No. 2917 was made to conform with **Senate Bill No. 2276**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 2276** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2916** -- Civil Service - Establishes right of reassignment for career service employees who become part of executive service; permits career service incumbent assigned to executive service to retain civil service rights while successors would be part of executive service. Amends TCA Section 8-30-208. by \*Purcell, \*DeBerry L, \*Ridgeway, \*Rinks, \*Hargrove, \*Chumney, \*Jones R (Shelby), \*Givens, \*Bell, \*Winningham, \*Miller L, \*Rhinehart, \*Kernell, \*Pruitt, \*Fowlkes, \*Armstrong, \*West, \*Jones, S., \*Stulce, \*Turner (Hamilton), \*Bowers, \*DeBerry J, \*Fitzhugh, \*Langster, \*McMillan, \*White, \*Windle, \*Bragg, \*Brooks, \*Cantrell, \*Curtiss, \*Wood, \*McDaniel, \*Walley, \*Venable, \*Kisber. (\*SB2275 by \*Crutchfield, \*Rochelle, \*Haun, \*Holcomb)

Rep. Purcell moved that House Bill No. 2916 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2916 by adding the following language to the amendatory language of Section 1, subsection (f) as a new subdivision (4):

A person occupying the positions of commissioner, deputy commissioner or assistant commissioner for more than five (5) years shall not have the guaranteed right of reassignment.

Under no circumstances shall a career service employee be displaced to accomplish a reassignment of an executive service employee.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 2916**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes .....	3
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Coffey, Gunnels, Kerr -- 3.

Representatives present and not voting were: Boyer -- 1.

A motion to reconsider was tabled.

**House Bill No. 2767** -- Municipal Government - Extends political freedoms to employees of local government entities. by \*Purcell, \*West, \*DeBerry L, \*Ridgeway, \*Rinks, \*Hargrove, \*Chumney, \*Bowers, \*DeBerry J, \*Fitzhugh, \*Langster, \*McMillan, \*White, \*Pruitt, \*Bell, \*Windle, \*Curtiss, \*Bragg, \*Brooks. (\*SB2855 by \*Haynes)

Rep. Purcell moved that House Bill No. 2767 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2767 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, is amended by adding the following as a new part:

SECTION 7-51-\_\_\_\_. (a) Notwithstanding the provisions of any county, municipal, metropolitan, or other local governmental charter to the contrary, and notwithstanding the provisions of any resolution or ordinance adopted by any such county, municipality or other local governmental unit to the contrary, every employee of every such local governmental unit shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city, county, municipal, metropolitan or other local government is not required to pay the employee's salary for work not performed for the governmental entity; provided, however, that unless otherwise authorized by law or local ordinance, an employee of a municipal government or of a metropolitan government with a population of over one hundred thousand (100,000) shall not be qualified to run for elected office in the local governing body of such local governmental unit in which the employee is employed.

(b) The rights granted to county employees under Tennessee Code Annotated, Section 5-5-102(c)(1) are preserved.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 2767**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R.



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(Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1539** -- Education - Deletes requirement that any superintendent or director of schools, appointed to such office by popularly elected school board, only have baccalaureate degree in order to hold such office. Amends TCA 49-2-301. by \*Winningham, \*McAfee, \*Duer, \*Curtiss. (\*SB1333 by \*Burks)

Further consideration of House Bill No. 1539, previously considered on April 6, 1995, April 13, 1995, May 11, 1995 and May 17, 1995, and reset to today's Calendar.

Rep. Winningham moved that House Bill No(s). 1539 be reset to the Regular Calendar for March 21, 1996, which motion prevailed.

**\*House Bill No. 2018** -- Bond Issues - Authorizes issuance and sale of general obligation bonds not to exceed \$55 million for Nashville Davidson County construction of sports stadium. by \*Bittle, \*Rhinehart, \*Head, \*Robinson, \*Davis, \*Venable, \*Cole (Carter), \*McDaniel, \*Kisber, \*Roach, \*Kent, \*Garrett, \*Rinks, \*Stamps, \*Huskey, \*Tindell, \*Hassell, \*Cole (Dyer), \*Bragg, \*Patton, \*Cantrell, \*McAfee. (SB2060 by \*Rochelle, \*Crowe, \*McNally, \*Hamilton, \*Carter, \*Person)

On motion, House Bill No. 2018 was made to conform with **Senate Bill No. 2060**; the Senate Bill was substituted for the House Bill.

Rep. Bittle moved that Senate Bill No. 2060, be passed on third and final consideration.

Rep. Odom moved to defer action on Senate Bill No. 2060 until March 7, 1996.

Rep. Rhinehart moved that the motion to defer be tabled, which motion prevailed by the following vote:

Ayes .....	78
Noes .....	18
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Hicks,

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Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kisber, Langster, Lewis, McAfee, McDaniel, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Roach, Robinson, Sharp, Stamps, Tindell, Towns, Turner (Hamilton), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Beavers, Bowers, Byrd, Chumney, Fitzhugh, Haley, Herron, Jackson, Jones, S., Kernell, Kerr, McDonald, Odom, Ridgeway, Ritchie, Shirley, Stulce, West -- 18.

Representatives present and not voting were: Turner (Shelby) -- 1.

Rep. Ridgeway moved the previous question, which motion prevailed.

Ayes .....	70
Noes .....	21
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Buck, Burchett, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hassell, Head, Hicks, Huskey, Joyce, Kent, Kisber, Langster, McAfee, McDaniel, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Towns, Turner (Hamilton), Venable, Walley, Westmoreland, Whitson, Williams (Williamson), Windle, Winningham, Wood -- 70.

Representatives voting no were: Boyer, Brown, Byrd, Callicott, Chumney, DeBerry, J., DeBerry, L., Dunn, Haley, Herron, Jackson, Jones, R. (Shelby), Jones, S., Kerr, McDonald, Odom, Ritchie, Stulce, Turner (Shelby), West, Williams (Union) -- 21.

Representatives present and not voting were: Kernell -- 1.

Rep. Bittle moved that **Senate Bill No. 2060** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	70
Noes .....	26
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bragg, Brooks, Brown, Buck, Callicott, Cantrell, Coffey, Cole (Carter), Cole (Dyer), Davidson, Davis, DeBerry, L., Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kisber, Langster, Lewis, McAfee, McDaniel, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable,

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Walley, Westmoreland, White, Whitson, Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Beavers, Bowers, Burchett, Byrd, Chumney, Clabough, Curtiss, Duer, Dunn, Fitzhugh, Haley, Halteman Harwell, Herron, Jones, S., Joyce, Kernell, Kerr, McDonald, McKee, Odom, Ridgeway, Ritchie, Shirley, West, Williams (Union), Windle -- 26.

Representatives present and not voting were: Boyer, DeBerry, J. -- 2.

A motion to reconsider was tabled.

**House Bill No. 2669--** Taxes, Sales - Requires application of sales tax to admission to professional sporting events, including charges for seat license, skybox or luxury suite, whether designated as license, lease, rental or otherwise. Amends TCA Section 67-6-212. by \*Bittle, \*Rhinehart, \*McDaniel, \*Davis, \*Head. (\*SB2915 by \*Rochelle, \*McNally, \*Crowe, \*Carter, \*Hamilton)

Rep. Head moved that House Bill No. 2669 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2669 by deleting Section 2 in its entirety and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 67-6-103, is amended by adding language to the end of subdivision (d)(1) as follows:

Provided that, in lieu of distribution to any municipality, amounts derived from a National Football League franchise shall be earmarked and allocated specifically and exclusively to the general fund. Further provided that in all cases any distribution to a municipality as provided for by this subsection shall be limited to a period of thirty (30) years which shall be concurrent with the time limitation established by subdivision (d)(2). Following the expiration of this thirty (30) year period, all amounts which would have otherwise been distributed to the municipality or retained in lieu of distribution shall be allocated as provided elsewhere without regard to this subsection.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2669 by adding an additional sentence at the end of Section 3 of the printed bill, as follows:

The provisions of this act shall be void and the code sections amended herein shall revert to their preamended condition unless the contract between the Houston Oilers organization and the Metropolitan Government of Nashville and Davidson County is in full effect by January 1, 1997.

Rep. Head moved to amend as follows:

**Amendment No. 1 to Amendment No. 2**

AMEND Amendment No. 2 by adding the following at the end of Section 3, as amended:

If the provisions of this act are void as provided herein, then Tennessee Code Annotated, Section 67-6-103, shall be amended by adding the following language at the end of subdivision (d)(1):

Further provided that in all cases any distribution to a municipality as provided for by this subsection shall be limited to a period of thirty (30) years which shall be concurrent with the time limitation established by subdivision (d)(2). Following the expiration of this thirty (30) year period, all amounts which would have otherwise been distributed to the municipality or retained in lieu of distribution shall be allocated as provided elsewhere without regard to this subsection.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

On motion, Amendment No. 2, as amended, was adopted.

Rep. McAfee moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Head moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 2669 by adding the following new section, to be appropriately designated:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-6-103, is amended by adding the following at the end of subdivision (d)(1):

In addition to the apportionment otherwise provided herein, if there exists in a municipality located in a county with a population of

eight hundred thousand (800,000) or more, a sports authority organized pursuant to title 7, chapter 67, and such authority has secured a major league franchise or has secured use of facilities owned or controlled by that authority for one (1) or more seasons or portions of seasons by a major league franchise, then the same apportionment of state sales tax revenue specified above shall be made during the period such facility is used by such franchise. This shall apply even if the facility is subject to a lease or sublease by a person other than the sports authority. Any state sales taxes so apportioned shall be used for capital improvements to the sports facility. This paragraph shall expire and cease to be of effect after April 1, 1999.

On motion, Amendment No. 4 was adopted.

Rep. Stulce moved adoption of Amendment No. 5.

**Amendment No. 5**

AMEND House Bill No. 2669 by adding the following new sections before the effective date section and renumbering the effective date section accordingly:

SECTION 3. Tennessee Code Annotated, Section 67-6-103(d)(1), is amended by deleting the first sentence and substituting instead the following:

Notwithstanding the allocations provided for in subsection (a), if there exists in a municipality a sports authority organized pursuant to title 7, chapter 67, and if that sports authority has secured a professional baseball, football, basketball, or hockey franchise for that municipality, then an amount shall be apportioned and distributed to the municipality equal to the amount of state tax revenue derived from the sale of admissions to games of the professional sports franchise and also the sale of food and drink sold on the premises of the sports facility in conjunction with those games, parking charges, and related services, as well as the sale by such professional sports franchise, within the county in which the games take place, of authorized franchise goods and products associated with its operations as a professional sports franchise.

SECTION 4. Tennessee Code Annotated, Section 67-6-103(d), is amended by deleting subdivision (2) in its entirety and substituting instead the following:

(2) Any bonds issued relative to the construction of a sports facility shall not be issued for a term longer than thirty (30) years from the date the first game is played by the professional sports franchise in a sports and recreational facility owned by a sports authority in that municipality, as defined in subdivision (d)(1).

AND FURTHER AMEND by adding to the amendatory language of Section 2 at the end of the second sentence the following language:

in a sports and recreational facility owned by a sports authority organized pursuant to Title 7, Chapter 67, and leased directly or indirectly, to the owner of such professional sports franchise.

AND FURTHER AMEND by deleting from the last sentence of the amendatory language of Section 2 the word "as" and substituting instead the language "for a sport".

Rep. Head moved that Amendment No. 5 be tabled, which motion prevailed.

Rep. Buck moved the previous question, which motion prevailed by the following vote:

Ayes .....	78
Noes .....	13

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Callicott, Cantrell, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 78.

Representatives voting no were: Byrd, Chumney, DeBerry, L., Fitzhugh, Haley, Herron, Jones, S., Kernell, McDonald, Odom, Ritchie, Towns, West -- 13.

Rep. Bittle moved that **House Bill No. 2669**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	81
Noes .....	15

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 81.

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Representatives voting no were: Beavers, Byrd, Duer, Fitzhugh, Haley, Herron, Jones, S., McDonald, Odom, Ridgeway, Ritchie, Shirley, West, Williams (Union), Windle -- 15.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**BILLS WITHDRAWN**

On motion of Rep Dunn, **House Resolution No. 182** was withdrawn from the House.

**ANNOUNCEMENTS**

**REPORT FILED**

The Clerk announced that the Treasury Department has filed a report, pursuant to Public Chapter 388, Acts of 1995, to present the results of the study and investigation of college savings programs and prepaid college tuition plans of other states and the federal government with the Clerk's office.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 2871:** Rep(s). Ritchie as prime sponsor(s).

**House Bill No. 3012:** Rep(s). Ritchie as prime sponsor(s).

**House Bill No. 3117:** Rep(s). Pruitt as prime sponsor(s).

**ENGROSSED BILLS**

**February 29, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2767 and 2916; also, House Joint Resolution(s) No(s). 450 and 452.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**February 29, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 29; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**February 29, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2241, 2719, 2728, 2878, 2998, 3240, 3241 and 3244; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**February 29, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 435, 436, 440 and 443; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**February 29, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1551; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**February 29, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2669.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**February 29, 1996**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 181 and 183; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**February 29, 1996**

The Speaker signed the following: House Resolution(s) No(s). 181 and 183.

BETTY KAY FRANCIS, Chief Engrossing Clerk.



**MESSAGE FROM THE GOVERNOR  
February 29, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2148 and 2151, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE SENATE  
February 29, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1830, 1959, 1983, 1985, 2310, 2425, 2444, 2446, 2588, 2589, 2623, 2639 and 2856; also, Senate Joint Resolution(s) No(s). 333, 337 and 338; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
February 29, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1335; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
February 29, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2660; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
February 29, 1996**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2660

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
February 29, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2071, 2305, 2333, 2429, 2519, 2645, 2728, 2783, 2819, 2876, 2907 and 3133; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 2071** -- Taxes, Excise - Defines "net earnings" under excise tax law for financial institutions which form a unitary business; specifies elements for inclusion in

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such unitary business' annual tax return. Amends TCA Title 67, Chapter 4, Part 8. by \*McNally, \*Holcomb, \*Crowe, \*Atchley, \*Elsa, \*Carter, \*Person, \*Haun.

**\*Senate Bill No. 2305 --** Marriage - Prohibits recognition of same sex marriages even if performed in other states Amends TCA Title 36, Chapter 3. by \*Holcomb, \*Miller J, \*Jordan, \*Fowler, \*Rice.

**\*Senate Bill No. 2333 --** Purchasing - Requires annual preparation and publication of forecast of purchases anticipated by state departments and agencies during upcoming fiscal year. Amends TCA Title 12, Chapter 3. by \*Dixon, \*Harper.

**\*Senate Bill No. 2429 --** Hospitals and Health Care Facilities - Exempts birthing centers, which provide routine delivery and postpartum services for mothers and newborn infants, from the certificate of need process of the health facilities commission; subjects such centers to regulation by the board for licensing health care facilities. Amends TCA Title 68, Chapter 11. by \*Harper, \*Dixon, \*Ford J.

**\*Senate Bill No. 2519 --** Uniform Commercial Code - Permits filing of copies of Article 9 documents if security agreement so provides; requires such documents to be on 8 1/2 x 11 paper beginning 1/1/97 Amends TCA Title 47, Chapter 9, Part 4. by \*Haynes.

**Senate Bill No. 2645 --** Privacy, Confidentiality - Clarifies patient's medical records of health care provider are not public records and no requirement to furnish records deemed to impair privilege of confidentiality conferred by law on patients, personal representatives or heirs. Amends TCA Title 63, Chapter 2. by \*Henry.

**\*Senate Bill No. 2728 --** Election Laws - Brings state voter purging procedure into compliance with National Voter Registration Law. Amends TCA Section 2-2-106. by \*Crutchfield, \*Kyle.

**\*Senate Bill No. 2783 --** Evidence - Requires owner of rental car to give notice that it is overdue within 72 hours of time car due back before failure to return car becomes evidence of willful intent to deprive owner of car. Amends TCA Title. by \*Cohen.

**\*Senate Bill No. 2819 --** Administrative Procedure - Authorizes secretary of state to contract for publication of rules and monthly administrative register. by \*Crutchfield.

**\*Senate Bill No. 2876 --** Sexual Offenses - Requires court imposing sentence to notify in writing any public or private school when employee of school convicted of sexual offense against minor. Amends TCA Title 40, Chapter 35. by \*Leatherwood, \*Person, \*Burks.

**\*Senate Bill No. 2907 --** Railroads - Authorizes CSX, Inc. to abandon certain railroad rights of way in Davidson County. by \*Henry.

**\*Senate Bill No. 3133 --** Pensions and Retirement Benefits - Authorizes retirement incentive plan for employees of public service commission. Amends TCA Title 8, Chapter 34, Part 2. by \*Atchley.

**MESSAGE FROM THE SENATE**

**February 29, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2582; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**February 29, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2669; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**RECESS MOTION**

On motion of Rep. Purcell, the House recessed until 5:00 p.m., March 4, 1996.